

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00126

JOSHUA DEVERE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 6, 2016, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Joshua Devere, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on January 8, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 25, 2015.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated state and local law inasmuch as he committed burglary on or about March 24, 2016, as more fully set forth in Violation No. 1, the defendant having admitted on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; (2) the defendant violated state and local law inasmuch as he attempted to manipulate a urine screen on or about April 14, 2016, as more fully set forth in Violation No. 1, the defendant having admitted on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; (3) the defendant failed to report to the probation officer as instructed on January 15 and April 6, 2016; (4) the defendant failed to attend substance abuse counseling and treatment as instructed on February 23, March 9 and 22, 2016; and (5) the defendant failed to abide by the special condition that he spend a period of five months on home confinement inasmuch as he violated his home confinement terms by virtue of his absences on February 16, March 2, 5, 16 and 10, 2016, as more fully set forth in Violation No. 4; all as

admitted by the defendant on the record of the hearing with the exceptions of (1) and (2) as set forth above, and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

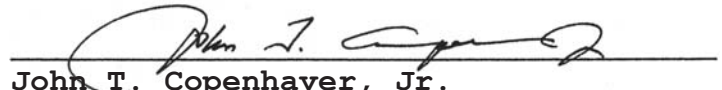
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of twenty-four (24) months less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state

or local crime and the special condition that he make himself available for drug abuse counseling and treatment as suggested by the probation officer after an evaluation of the defendant's level of care has been determined.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 10, 2016


John T. Copenhaver, Jr.
United States District Judge